
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

☐ All Child Care Evaluator Manual Holders
☒ All Residential Care Evaluator Manual Holders
☐ All Evaluator Manual Holders

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06APX-17

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Subject:**Appendix E**

**Memorandum of Understanding between the California Department of Social Services,
Community Care Licensing Division and the Department of Aging, Office of the State
Long-Term Care Ombudsman**

Reason For Change:

The Memorandum of Understanding is updated and revised.
The agreement is effective through June 2009.

Filing Instructions:

Remove: 03APX-10 Memorandum of Understanding dated June 2003

Insert: Revised Memorandum of Understanding

Approved:

Thomas Stahl, Chief

12/4/06

THOMAS STAHL, Chief
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Community Care Licensing Division

Date

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MEMORANDUM OF UNDERSTANDING

between the

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
Community Care Licensing Division**

and the

**CALIFORNIA DEPARTMENT OF AGING
Office of the State Long-Term Care Ombudsman**

for

**Coordination of Services to
Residential Care Facilities for the Elderly**

(Effective June 2006 through June 2009)

Original Signed by J. Frederick

Jo Frederick

Jo Frederick
Deputy Director
Community Care Licensing Division
California Department of Social Services

Original Signed by J. Rodrigues

Joseph Rodrigues

Joseph Rodrigues
State Long-Term Care Ombudsman
Office of the State Long-Term Care Ombudsman
California Department of Aging

**BACKGROUND/PURPOSE OF THE COMMUNITY CARE LICENSING DIVISION AND THE
OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN**

COMMUNITY CARE LICENSING DIVISION (CCLD)	OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN (OSLTCO)
<p>The California Department of Social Services, CCLD, is mandated under the California Residential Care Facilities for the Elderly Act, Health and Safety Code Section 1569 et seq., to license Residential Care Facilities for the Elderly (RCFEs) and to monitor those facilities for compliance with licensing laws and regulations.</p>	<p>The Long-Term Care Ombudsman Program, under Title III and Title VII, Chapter 2, Sections 711-721 of the Federal Older Americans Act, is mandated to receive, investigate, and seek to resolve complaints made by or on behalf of residents in long-term care facilities.</p>
<p>In carrying out its regulatory enforcement program, the CCLD enforces licensing laws and regulations and investigates complaints.</p>	<p>The State designates 35 local organizations to provide Ombudsman services through contracts with Area Agencies on Aging. The OSLTCO provides policy direction, technical assistance and oversight to these local organizations.</p>
<p>The CCLD ensures that RCFE licensees provide care and supervision that meets licensing standards. A mission statement is included (see page 3) and made part of this agreement. The CCLD Local Senior Care Licensing Offices monitor and enforce compliance with statute and regulations, and issue citations for non-compliance. The CCLD Policy Development Bureau develops and implements policies; analyzes proposed legislation; and provides consultation and guidelines to licensing staff. The CCLD licensing and policy staff also provide technical assistance and consultation to licensees and other interested parties.</p>	<p>Under state law, the Local Long-Term Care Ombudsman Programs are responsible for receiving and investigating reports of suspected abuse alleged to have occurred in long-term care facilities. They also have responsibility for recruiting and training volunteers to visit facilities, informing the community on issues affecting long-term care residents, and providing information to the general public on where to access information about conditions in local long-term care facilities. A mission statement is included (see page 4) and made part of this agreement.</p>

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION (CCLD)
MISSION STATEMENT

It is the mission of the CCLD to promote the health, safety, and quality of life of each person in community care through the administration of an effective, collaborative regulatory enforcement system.

This is accomplished by:

- Enforcing laws and regulations intended to promote the safety of clients in community care
- Promoting strategies to increase voluntary compliance
- Providing technical assistance to and consulting with care providers
- Working collaboratively with clients, their families, advocates, care providers, placement agencies, related programs and regulatory agencies, and others involved in community care
- Training staff in all aspects of the licensing process
- Promoting continuous improvement and efficiency throughout the community care licensing system

OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN (OSLTCO)
MISSION AND GOAL STATEMENT

The Office's mission is to ensure dignity, quality of life and care for all residents in Long-Term Care facilities primarily serving the elderly by empowering residents and advocating on behalf of those unable to act for themselves.

To fulfill this mission and in accordance with the Federal Older Americans Act, the State Older Californians Act and other State mandates, the OSLTCO will:

- Maintain an ongoing presence in skilled nursing facilities and Residential Care Facilities for the Elderly (RCFEs)
- Identify the most vulnerable residents who are unable to express their wishes; investigate, and seek to resolve complaints, including suspected elder abuse, made by or on behalf of residents, to the resident's satisfaction or expressed wishes
- Represent the residents before governmental entities and seek administrative, legal, and other remedies

The California Department of Social Services, Community Care Licensing Division, and the California Department of Aging, Office of the State Long-Term Care Ombudsman, have developed this agreement to share information with each other and to coordinate services to Residential Care Facilities for the Elderly (RCFEs). The following sections (I – IV) list the responsibilities and procedures of each department:

I. COMMUNICATION RESPONSIBILITIES:

COMMUNITY CARE LICENSING DIVISION (CCLD), TECHNICAL ASSISTANCE AND POLICY BRANCH	OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN (OSLTCO)
1. Maintain communication by attending pre-scheduled meetings between representatives of the OSLTCO and the CCLD on a quarterly basis or more frequently as needed.	1. Maintain communication by attending pre-scheduled meetings between representatives of the OSLTCO and the CCLD on a quarterly basis or more frequently as needed.
2. Assign staff from the CCLD to serve as a liaison to respond to requests for policy or program interpretations, program operations information, training information, and requests for data regarding state or local programs.	2. Assign staff from the OSLTCO to serve as a liaison to respond to requests for policy or program interpretations, program operations information, training information and requests for data regarding state or local programs.
3. Contact the OSLTCO for interpretations of statutes, regulations, and procedures governing the Ombudsman program.	3. Contact the CCLD for interpretations of statutes, regulations, and procedures governing the CCLD.
4. At quarterly meetings, provide information to the OSLTCO, including facility evaluation process updates, changes in procedures or operations at the state or local level, and any new CCLD program information.	4. At quarterly meetings, provide new information to the CCLD regarding the Ombudsman program that pertains to the CCLD licensed facilities.
5. Exchange information regarding relevant training opportunities available to the OSLTCO or the Local Long-Term Care Ombudsman Programs.	5. Exchange information regarding relevant training opportunities available to the CCLD or the CCLD Local Senior Care Licensing Offices.
6. When possible, involve the Ombudsman staff as trainers when relevant training is being offered.	6. When possible, involve the CCLD staff as trainers when relevant training is being offered.

I. COMMUNICATION RESPONSIBILITIES (CONTINUED):

COMMUNITY CARE LICENSING DIVISION (CCLD) REGIONAL SENIOR CARE LICENSING PROGRAM OFFICE	OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN (OSLTCO)
1. Contact the OSLTCO to deal with situations that were not handled successfully at the local level that require additional intervention for resolution.	1. Contact the CCLD Regional Senior Care Licensing Program Office when issues have not been satisfactorily resolved at the local level.
CCLD LOCAL SENIOR CARE LICENSING OFFICES	LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS
1. Notify the Local Long-Term Care Ombudsman Programs about issuance of new licenses for Residential Care Facilities for the Elderly (RCFEs) on a quarterly basis. In addition, notify the Local Long-Term Care Ombudsman Programs about forfeitures, and final decisions and orders, including revocations of licenses.	1. Notify the CCLD Local Senior Care Licensing Office Unit Manager when alleged unlicensed RCFEs are in operation, including facilities continuing operation after a denial of an application, revocation or suspension of a license.
2. Exchange information regarding relevant training opportunities.	2. Exchange information regarding relevant training opportunities.
3. Allow the Local Long-Term Care Ombudsman Programs to participate in training in local offices when possible.	3. Allow the CCLD Local Senior Care Licensing Offices to participate in Ombudsman training when possible.
4. Respond on a mutually agreed-upon date and/or time to data requests from the OSLTCO.	4. Respond on a mutually agreed-upon date and/or time to data requests from the CCLD.
5. Provide the Local Long-Term Care Ombudsman Programs with legible copies of all public licensing reports for RCFEs, within budgetary constraints.	No corresponding action required.

II. COMPLAINT REPORTING:

COMMUNITY CARE LICENSING DIVISION (CCLD) LOCAL SENIOR CARE LICENSING OFFICES	LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS
1. Investigate cross-reports of abuse as complaints, according to the CCLD complaint investigation procedures, unless directed not to do so by law enforcement. Notify the Local Long-Term Care Ombudsman Program of the outcome of the investigation.	1. Cross-report to the CCLD Local Licensing Offices known or suspected abuse of elders or dependent adults in long-term care facilities licensed by the CCLD (Residential Care Facilities for the Elderly, Adult Residential Facilities or Adult Day Programs). Where consent of the victim or court permission exists, submit the Abuse Report (form SOC 341) as a complaint, along with information relevant to the incident of abuse.
2. Investigate other complaints referred by the Local Long-Term Care Ombudsman Programs, with priority given to complaints that pose the greatest threat to health and safety regardless of the source of the complaint.	2. Ensure that the Local Senior Care Licensing Office is notified of other complaints and serious violations of regulations or law. The Local Long-Term Care Ombudsman Program Coordinator should make these complaints within the next working day.
3. At the completion of any complaint investigation, provide the Local Long-Term Care Ombudsman Program with any public CCLD reports resulting from the complaint.	3. Refer all serious complaints not alleging abuse to the CCLD Local Senior Care Licensing Office on the appropriate form (CDA 223).
4. CCLD will evaluate all evidence, including a signed Declaration (form LIC 855), from a Local Long-Term Care Ombudsman Program as evidence in evaluating an allegation.	4. If needed, submit a signed Declaration (form LIC 855) to the CCLD Local Senior Care Licensing Offices regarding knowledge of violations where appropriate and agree to serve as a witness as needed. Share all non-confidential relevant reports and complaint information with the CCLD Local Senior Care Licensing Offices to assist their investigation.

II. COMPLAINT REPORTING (CONTINUED):

COMMUNITY CARE LICENSING DIVISION (CCLD) LOCAL SENIOR CARE LICENSING OFFICES	LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS
5. Consult with the Local Long-Term Care Ombudsman Program as needed during an investigation.	5. The Local Long-Term Care Ombudsman Program will continue to monitor care and respond to residents' needs during the complaint process.
6. Upon the request of the Local Long-Term Care Ombudsman Program Coordinator, meet with the Local Long-Term Care Ombudsman Program to discuss the findings of complaints filed by the Local Long-Term Care Ombudsman Program.	6. The Local Long-Term Care Ombudsman Program will attempt to resolve all other complaints involving violations of regulations. If a resolution cannot be achieved, a referral to the Local Senior Care Licensing Office will be made.

III. PROCESSING OF TEMPORARY SUSPENSION ORDERS (TSO):

COMMUNITY CARE LICENSING DIVISION (CCLD) LOCAL SENIOR CARE LICENSING OFFICES	LOCAL LONG-TERM CARE OMBUDSMAN PROGRAMS
1. Inform the Local Long-Term Care Ombudsman Program within 24 hours of serving a Temporary Suspension Order (TSO) on a Residential Care Facility for the Elderly (RCFE). The CCLD Local Senior Care Licensing Office will evaluate and respond to any information provided by the Ombudsman about the TSO.	1. Maintain the confidentiality of the information shared regarding the prospective TSO until the CCLD Local Senior Care Licensing Program Unit Manager releases information. Contact the CCLD Local Senior Care Licensing Office and provide any additional information available pertaining to the TSO. In cooperation with the CCLD Local Senior Care Licensing Office, help minimize the residents' transfer trauma and assist with communications between the residents, the licensee, and other agencies involved.
2. When appropriate, invite the Local Long-Term Care Ombudsman Program to participate or assist in the development of the Facility Closure Plan.	2. When requested, provide input to the CCLD Local Senior Care Licensing Office on the development of the Facility Closure Plan.
3. The CCLD Local Senior Care Licensing Office will coordinate with all involved agencies during a TSO.	3. Work in cooperation with the CCLD Local Senior Care Licensing Office during its supervision of a TSO and provide pertinent resident information as needed.
4. Attend meetings with the Local Long-Term Care Ombudsman Program, when necessary, to facilitate communication during a TSO and to provide licensing information if needed.	4. Participate in meetings with the CCLD Local Senior Care Licensing Office, residents and residents' families to discuss any problems encountered during a TSO.
5. Report sensitive issues that may result in media contact to the Office of the State Long-Term Care Ombudsman (OSLTCO).	5. Report sensitive issues that may result in media contact to the OSLTCO and the CCLD Local Senior Care Licensing Office.

**IV. JOINT RESPONSIBILITIES OF THE COMMUNITY CARE LICENSING DIVISION (CCLD)
AND THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN (OSLTCO):**

1. Maintain communication by convening meetings between the OSLTCO and the CCLD on a quarterly basis or more frequently as needed.
2. Maintain communication by convening meetings between the Local Long-Term Care Ombudsman Program and the CCLD Local Senior Care Licensing Program Unit Manager on a quarterly basis or more frequently as needed.
3. Provide up-to-date contact lists for each department (see Attachments 1 and 2).
4. When needed, establish protocols for dealing with any situations that were not successfully resolved at the local level and require additional intervention for resolution.
5. Exchange information regarding training opportunities. When relevant training is being provided to CCLD staff or Ombudsman staff, invite the other department's staff to attend as trainees, and involve CCLD and Ombudsman staff as trainers, as appropriate.
6. Encourage and, when appropriate, approve and facilitate joint visits with the Local Long-Term Care Ombudsman Program and the CCLD Local Senior Care Licensing Office.
7. Exchange data-collection information on the number of facilities, their licensed capacities, the number of complaints, and any other relevant statistical data that may be useful to the departments. This information should be provided once a year, at a minimum, or upon an agreed upon schedule if reports are needed more frequently.

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION (CCLD)
CONTACT LIST

- A. The contact person for the CCLD for policy issues and general liaison responsibilities will be:

Debbie Fox, Policy Analyst
CDSS
CCLD Liaison
744 P Street, M.S. 19-50
Sacramento, CA 95814
Phone: (916) 322-3178
FAX: (916) 323-9918

- B. The contact person for the CCLD for data related issues will be:

Kimmi Goss
CDSS
CCLD
744 P Street, M.S. 19-50
Sacramento, CA 95814
Phone: (916) 322-4875
FAX: (916) 323-8352

The CCLD Application Support (Help Desk – LIS only)
CDSS
CCLD
744 P Street, M.S. 19-58
Sacramento, CA 95814
Phone: (916) 323-6102
FAX: (916) 323-6656

CALIFORNIA DEPARTMENT OF AGING
OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN PROGRAM (OSLTCO)
CONTACT LIST

- A. The contact person for the OSLTCO for policy issues, training, legislation and general liaison responsibilities will be:

Victoria Behbahani, OSLTCO Analyst
CDA
OSLTCO
1300 National Drive, Suite 200
Sacramento, California 95834
Phone: (916) 928-2169
FAX: (916) 928-2503

- B. The back-up liaison if/when Victoria Behbahani is not available for the OSLTCO will be:

Jana Matal, Coach/Manager
CDA
OSLTCO
1300 National Drive, Suite 200
Sacramento, California 95834
Phone: (916) 419-7514
FAX: (916) 928-2503

- C. The contact person for the OSLTCO for data-related issues will be:

Vicky Radford, Management Services Technician
CDA
OSLTCO
1300 National Drive, Suite 200
Sacramento, CA 95834
Phone: (916) 928-2227
FAX: (916) 928-2503